IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.MC.No. 3580 of 2006()

CC.3407/2001 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONER: ACCUSED 1 TO 3

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1. K.T.LONAPPAN,, THOLATH HOUSE,
   MATHANAM ROAD, EDAPPALLY.

2. JANCY VARGHESE, AGED 29 YEARS,
   W/O.VARGHESE KANDATHIL, SOLE PROPRIETRIX,
   M/S.SILVER ROCK GARMENTS, DESHMUKH, KOCHI-21,
   KANDATHIL HOUSE, VAZHAKKALA KARA, VAZHAKKALA -
   VILLAGE, BMC P.O., KOCHI-21.

3. K.S.GEORGE, AGED 40 YERS,
   S/O.SEBASTIAN, KOLLAMPARAMBIL HOUSE,
   VAZHAKKALA KARA, VAZHAKKALA VILLAGE,
   DESHMUKH, KOCHI-21.

BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)

RESPONDENTS: COMPLAINANT & STATE

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1. M/S.CATHOLIC SYRIAN BANK LIMITED,
   SCHEDULED BANKING COMPANY, REGISTERED UNDER THE
   COMPANIES ACT OF 1956 WITH ITS REG. OFF.AT TRICHUR
   AND BRANCHES AT VALANJAMBALAM, REP.BY ITS BR.MGR.
   K.I.THOMAS,AGED 48 YEARS, S/O.K.T.IYPPRU,NOW REP.
   BY BR.MGR.,TOMY M.P. AGED 44,S/O.LATE M.O.PAULOSE.

2. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB.
SRI.VARGHESE C.KURIAKOSE (R1)
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3580 OF 2006

Dated this the 10th day of January, 2007

ORDER

The petitioners are accused in C.C.No.3407/01 pending before the learned Chief Judicial Magistrate, Ernakulam. Proceedings were initiated on the basis of a private complaint filed by the 1st respondent – Bank against the petitioners. The complaint was referred to the police under Sec.156(3) of the Cr.P.C. The police submitted a negative final report. Thereupon, a protest complaint was filed and cognizance was taken on such complaint. The petitioners have come to this Court with a prayer that the powers under Sec.482 of the Cr.P.C. may be invoked to quash the proceedings. Notice was given to the respondent/complainant. The respondent/ complainant has appeared through counsel. A statement has been filed by the respondent/complainant. It is submitted that the disputes have been settled and the loan transaction has been closed after discharge of the entire liability. Both the learned counsel for the petitioners/accused and the respondent/complainant agree that the proceedings can be

closed, the prosecution having lost its meaning, relevance and significance now. I accept the joint request.

2. In the result:

(a) This Crl.M.C. is allowed.

(b) The proceedings in C.C.No.3407/01 pending before the learned Chief Judicial Magistrate, Ernakulam, shall stand quashed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge